

A4R  
8.633  
VII/2  
Copy 5



South Carolina House of Representatives

# Legislative Update

Robert J. Sheheen, Speaker of the House

---

Vol. 11

January 25, 1994

No. 2

## CONTENTS

House Week in Review.....2

Bills Introduced.....4

S. C. STATE LIBRARY

JAN 28 1994

STATE DOCUMENTS

OFFICE OF RESEARCH

Room 309, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803)734-3230

## Legislative Update, January 25, 1994

### House Week in Review

---

The second week of the 1994 session witnessed the passage of several bills in the House, along with the placement of several bills on the House contested calendar. On Tuesday, the House gave third reading to H. 3649, which prohibits homosexuals or bisexuals, along with persons determined to have committed abuse or neglect or who have been convicted of criminal sexual conduct, from adopting a child. On Wednesday, the House gave second reading to H. 3691, a proposed constitutional amendment to set jury sizes in the state's courts and require verdicts in civil actions to be unanimous. Also that day, the House voted 57-40 in favor of a bill authorizing restaurants and taverns to brew on their premises a limited amount of beer for consumption on and off the establishment's premises. On Thursday, second reading was given to H. 4070, a bill amending the State's Ethics Act by, among other things, changing reporting deadlines for campaign reports and listing information which must be reported on the statement of economic interests of public officials, members and employees.

Several other measures on the House calendar, however, were either placed on the contested calendar or sent to committee. On Tuesday, objections placed H. 3765, a proposed constitutional amendment authorizing a state lottery, on the contested calendar, and on Thursday a proposed constitutional amendment limiting the terms of state legislators and state constitutional officers, H. 3290, also was placed on the House contested calendar. A bill giving motorists the chance to purchase choice no fault auto insurance, H. 3246, was committed to the Judiciary Committee by a 54-51 vote last Thursday. This bill had been on the contested calendar since last April, after having been initially approved by the House Labor, Commerce and Industry Committee.

On Thursday, the House voted by special order to give consideration to two reapportionment bills, H. 4332 and H. 4333, beginning on Tuesday, January 25. H. 4332 is a congressional reapportionment bill, while H. 4333 pertains to reapportionment of the districts of the State House of Representatives. The House Judiciary Committee approved both bills last week.

### **Legislative Update, January 25, 1994**

On Wednesday night, the General Assembly convened in joint session to hear the final State-of-the-State address of Governor Carroll Campbell. The governor, who is leaving office in January of 1995, described the progress made by South Carolina in recent years in areas such as economic development and taxes and also announced support for several measures to strengthen families, such as increased tax exemptions for raising of children under age 6, adoption incentives, and welfare reform. The governor also declared support for choice no-fault auto insurance, continued reforms in the state's health care delivery system, and tougher penalties for students who bring weapons to school.

## Legislative Update, January 25, 1994

### Bills Introduced

---

Listed on this and the following pages are some of the bills which were introduced in the House of Representatives last week. The bill summaries are arranged according to the committees to which the legislation was referred.

#### AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

Smoking Restrictions (H. 4557, Rep. Simrill). This bill allows a local school district board to prohibit all smoking in the district's school facilities. Currently under state law smoking in district schools is allowed in enclosed private offices and teacher lounges. The bill also exempts a governmental entity with a nonsmoking policy in effect before August 1, 1990 from the state's current law restricting smoking in government buildings if the entity's nonsmoking policy exceeds the requirements of state law.

#### EDUCATION AND PUBLIC WORKS

School Districts May Conduct Advisory Referendums (H. 4544, Rep. Klauber). This bill allows the registered voters of a school district to propose by petition that an advisory referendum be conducted in the district at the same time as the next general election. The question of the referendum must be framed in the petition, and separate questions require separate petitions and referendums. The petition must be signed by at least 15 percent of the district's registered voters and submitted at least 90 days before the next general election to the county election commission and the district's board of trustees. Upon verification of the petition's signatures, it is the responsibility of the county election commissioners to carry out the referendum and determine and declare the results. The referendum is advisory only, and the school district must bear the costs of this referendum.

Greenville-Spartanburg Airport Commission Not Required to File Its Rules and Regulations with the Secretary of State (H. 4554, Rep. Kirsh). This bill deletes provisions requiring the Greenville-Spartanburg Airport Commission to file with the Secretary of State its rules and regulations governing the use of roads, streets and parking facilities on lands of the Greenville-Spartanburg Airport District.



## Legislative Update, January 25, 1994

**Dealer Plates May Be Placed on Vehicles Used for Public School Driver Education** (H. 4558, Rep. Stille). This bill allows a dealer license plate to be placed on a motor vehicle which a dealer lends to a public school for use in a driver education program. A plate used for this purpose may be obtained without a fee and without regard to current law limiting the number of plates which may be issued. However, when the motor vehicle no longer is used for driver education, the dealer must surrender the plate to the Department of Revenue and Taxation.

**Ninth Grade Students Must Take Course in Typewriting and Keyboarding** (H. 4568, Rep. Townsend). This bill requires all 9th grade students during the regular school term to take a one semester course in typewriting and keyboarding, offered and conducted by their school or school district. The State Department of Education must specify the required content of this course.

**Changes in Early Childhood Development and Assistance Act** (H. 4580, Rep. Davenport). This bill deletes provisions which require early childhood and academic assistance plans to contain measures of effectiveness which include outcome and process indicators of improvement and which require these plans to contain specified innovation initiatives.

## JUDICIARY

**Third Conviction For Certain Crimes Results in Life Imprisonment** (H. 4525, Rep. Cromer). Under current state law, a person convicted a third time of a violent crime, except in cases where the death penalty is imposed, must be sentenced to life without parole. This bill provides that except when the death penalty is imposed, a person convicted of a "most serious offense" must be sentenced to mandatory life imprisonment without parole if the defendant has two or more prior convictions for that offense. The bill defines a "most serious offense" as felonies which (1) are violent crimes, (2) carry a maximum imprisonment of 30 years, (3) which carry a maximum imprisonment exceeding 30 years or the death penalty; or (4) are a federal conviction or out-of-state conviction for an offense which would be a felony offense under these provisions. A person sentenced pursuant to these provisions is not eligible for parole, work release, supervised furlough or early release. A presiding judge, law enforcement agency, the Board of Probation, Parole and Pardon, or a state or local correctional facility may provide persons convicted of a most serious offense notice of the sentence which must be imposed upon subsequent conviction of a serious offense, but adequacy of such notice or the failure to provide notice is not subject to judicial review and does not create liability upon the State, its agencies or departments, or a state political or local political subdivision or its agents.

**Removal of Public Officers** (H. 4531, Rep. Cromer). This bill deletes provisions which require the governor to declare the office of an indicted public officer vacant only if the officer's authority is limited to a single election or judicial district and instead requires the governor to remove any



## Legislative Update, January 25, 1994

indicted public officer from office. The bill also provides that full-time state employees guilty of official misconduct, habitual negligence and the like are subject to indictment and, if convicted, a fine not exceeding \$1,000 or imprisonment not exceeding 1 year.

Determination of Telephone Rates (H. 4532, Rep. Hodges). Current state law lists factors (revenues, operating expenses, etc.) the Public Service Commission must consider in determining rates for telephone utilities. This bill allows the Commission to adopt an alternative regulatory plan for a telephone utility as it considers to be appropriate and in the public interest upon the Commission's determination that the telephone utility is subject to competition with respect to any of its service(s). The rates approved under this alternative plan, however, must be just and reasonable and not confiscatory of the telephone utility's property and assets.

1994 State Primary To Be Held in August (H. 4535, Rep. Sheheen). This joint resolution requires that the 1994 state primary be held on August 9, with the runoff primary being held 2 weeks later on August 23. Filing dates for office would be pushed back to between June 1 and June 15. (Normally the state primary is held the second Tuesday in June, but because of possible delays in resolving reapportionment, the primary is being delayed until August. A bill which would permanently move the state primary to August, H. 3147, passed the House in 1993 and currently is pending in the Senate Judiciary Committee.)

South Carolina Solicitation and Charitable Funds Act (H. 4541, Rep. Jennings). This bill amends several provisions of the State's Solicitation of Charitable Funds Act, so as to remove several provisions of the act which have been declared unconstitutional and increase penalties and disclosure requirements. The bill deletes the Commission on Charitable Organizations and requires the chief executive officer or chief financial officer of each charitable organization to file statements (registration, etc.) under these provisions. Charitable organizations required to register with the Secretary of State must pay an annual registration fee of \$50, instead of a biannual fee of \$100. The financial activities reports of these organizations, currently filed with the Secretary of State, must include additional information such as a balance sheet containing total assets and liabilities and statements disclosing program services, fund-raising costs and the like.

The bill also increases disclosure requirements for contracts made between a professional fund-raising counsel/solicitor and a charitable organization so as, among other things, to require disclosure of the amount of compensation received by a professional fund-raising counsel or solicitor. A party who is solicited for funds or other services may request from the solicitor information pertaining to the name and location of the charitable organization, the charitable purpose for which the solicitation is made, and a financial statement of the charitable organization. The bill increases from \$8,000 to \$15,000 the surety bond or cash deposit a professional solicitor must deposit with the Secretary of State in order to register with the Secretary to be allowed to perform work for charitable organizations and



## Legislative Update, January 25, 1994

provides that professional fundraisers or fundraising counsel who fail to register are liable for an administrative fine not exceeding \$10/day for noncompliance and a maximum of \$2,000. The Secretary of State may subpoena persons and require the production of books and other information in investigating alleged violations of this act, and he also may bring an action to enjoin a charitable organization or others which does not comply with the provisions of this act. The bill increases penalties for persons who provide false or incorrect information in filing reports required under this act or otherwise violate these provisions, so that a person convicted of a first offense must be fined a maximum of \$1,000 or imprisoned not more than 30 days, while a second or subsequent conviction results in a fine not exceeding \$5,000, imprisonment of not more than 1 year, or both.

Plat of Lands Required for Certain Jetties Need Not Be Filed with Secretary of State (H. 4549, Rep. Kirsh). If this bill is adopted, a plat of lands required by the federal government for construction of jetties in Georgetown County would no longer be filed with the Secretary of State, but instead would be filed with the Register of Mesne Conveyances for Georgetown County.

Notice of Acceptance of Relinquishment of Land Must be Maintained by Budget and Control Board (H. 4550, Rep. Kirsh). This bill requires the Budget and Control Board, instead of the Secretary the State as currently required, to maintain notices of acceptances and relinquishments when the State accepts land relinquished by the federal government.

Voters May Initiate Ordinances to Limit County Expenditures (H. 4556, Rep. Sharpe). This bill allows the registered voters of a county to propose an ordinance limiting the total revenue a county may expend during a fiscal year. This applies to all revenue received by a county except for federal and state funds. Revenue limits, however, do not apply to a county enterprise that receives less than 25 percent of its revenues from property taxes. A petition to initiate this ordinance must be signed by at least 5 percent of the county's registered voters and is to be presented to the county council.

These revenue limits may be exceeded for the issuance or repayment of bonds which do not exceed the applicable constitutional debt limitation. Additionally, registered voters of special purpose or public service districts, fiscally independent school districts and other political subdivisions that receive revenue from property taxes may also propose ordinances by this process.

The bill also lowers from 15 percent to 5 percent the minimum percentage of registered voters of a county who must sign a petition in order to propose an ordinance for adoption by the county's voters.

Restitution Required of Persons Convicted of Writing Fraudulent Checks (H. 4559, Rep. Cromer). This bill requires a person sentenced for writing a fraudulent check or other instrument to make restitution within 10 days of the sentence. This requirement is in addition to other penalties imposed for



### **Legislative Update, January 25, 1994**

this conviction. The court must determine the amount of restitution, and the failure of the person to make restitution is punishable as contempt of court.

**Disqualification of Person Seeking to Register to Vote** (H. 4560, Rep. Hodges). This bill deletes a provision under which confinement in a public prison disqualifies a person for voter registration and in its place provides that a person serving a term of imprisonment resulting from a conviction for a crime is ineligible to register to vote.

**Statute of Limitations on Post Conviction Relief Applications** (H. 4561, Rep. Hodges). This bill provides that an application for post conviction relief filed under these provisions must be filed within 2 years after the entry of judgment of conviction or within 1 year after the judgment is sent from an appellate court to a lower court or the filing of a final decision following an appeal, whichever is later. When a court whose decisions are binding on the State Supreme Court, or the State Supreme Court, holds that either or both the U.S. Constitution or South Carolina Constitution imposes on state criminal proceedings a substantive standard not previously recognized or a right not in existence at the time of the state court trial, and if the standard or right is intended to be applied retroactively, then an application for relief under these provisions may be filed no later than 2 years after the date on which the standard or right was determined to exist. If the applicant contends there is evidence of material facts not previously presented and heard that requires the conviction or sentence to be vacated, then the application must be filed within 2 years after the date of actual discovery of the facts by the applicant or after the date when the facts could have been reasonably ascertained.

**New or Increased State Taxes Must Be Approved By Referendum** (H. 4563, Rep. Sharpe). This proposed constitutional amendment would prohibit the State from increasing an existing tax or imposing a new tax unless the tax increase or new tax is approved by voters in a referendum. Additionally, beginning in Fiscal Year 1995-1996, State spending in a fiscal year may not increase more than the annual rate of inflation, as determined for the calendar year immediately preceding the fiscal year. This limitation in annual spending increases does not apply to spending financed by bonded indebtedness and spending of revenues not derived by State taxes, but the limitation does apply if a fee is imposed by the State to provide substantially the same service formerly funded by the State from tax revenues.

These limitations on taxes and spending may be suspended for a specifically limited time period if the governor, upon concluding that the prevailing economic conditions and the fiscal condition of the State so necessitate, issues an executive order declaring a fiscal emergency. When the fiscal emergency ends, these provisions are reinstated, except that the limitation on new taxes and tax increases applies to taxes and tax increases imposed at the time the emergency ends and the limitation on spending increases applies effective with the first fiscal year beginning after the fiscal emergency ends.



## Legislative Update, January 25, 1994

These provisions do not apply to statewide property taxes which may be levied to avoid default on State bonds.

**Person May Be Committed to Jail or Placed in Restitution for Not Paying Child Support** (H. 4571, Rep. Davenport). This bill authorizes the Family Court to commit a person to jail for failure to pay court-ordered child support and to commit that person to a pre-release center or release the person on probation before expiration of the full sentence. As an alternative to committing the person to jail, the court may suspend his sentence, place the person on probation, and provide the conditions of probation (for example, placement in a restitution center). The bill also allows a person on probation for failing to pay child support to be placed in the restitution center program of the Department of Probation, Pardon and Parole and authorizes a \$5.00/day placement fee for costs incurred by offenders under this program. The bill also provides that there is no minimum period for placement for offenders placed in the restitution center program. The ability of the Family Court to place persons who fail to pay child support in a restitution center is contingent on the provision of adequate funding to the Department of Probation, Parole and Pardon to expand its program to meet these responsibilities.

**Regulations Must Be Enacted by the General Assembly** (H. 4575, Rep. Townsend). This bill requires all regulations, with limited exceptions, to be enacted by the General Assembly. When an agency requests enactment of regulations, it must make the request to the President of the Senate and the Speaker of the House, both of whom would then ensure that the regulation is prepared as a bill for introduction and referred to the appropriate standing committees for consideration. All House and Senate rules and provisions of law applicable to the enactment of statutory law in South Carolina also apply to enactment of regulations.

Enactment by the General Assembly, however, is not required for regulations promulgated (1) to maintain compliance with federal law; (2) by the State Board of Financial Institutions in order to authorize state-chartered banks, savings and loans and credit unions to engage in permitted activities; or (3) by the State Department of Revenue and Taxation to maintain conformity with the Internal Revenue Code.

**Term Limits for South Carolina's Congressional Delegation** (H. 4577, Rep. Wilkins). This joint resolution seeks to amend the Constitution to prohibit a person who has been a member of the House of Representatives from South Carolina in at least 6 of the previous 11 years or a member of the U.S. Senate from this state in at least 12 of the previous 24 years from seeking re-election to their respective office, except by means of a write-in campaign. These provisions would become effective if at least 25 other states adopt term limitation for their congressional delegations and would apply to terms beginning after 1994.

**Term Limits for Members of General Assembly** (H. 4578, Rep. Wilkins). If this proposed constitutional amendment is adopted, members of the State House



## Legislative Update, January 25, 1994

would be limited to 6 years in office, while members of the State Senate would be limited to 8 years in office. This measure contains a grandfather clause, so members of the General Assembly serving at the time of ratification of this constitutional amendment could serve their current term plus the additional number of years permitted under the constitutional amendment.

**Early Voting** (H. 4582, Rep. McElveen). This bill allows a registered voter to vote early by personal appearance at his county board of registration. The office of this board would serve as the only early voting precinct in the county. The period of early voting by personal appearance begins on the 20th day before Election Day and continues through the 4th day before Election Day, except that early voting begins on the 10th day before a special runoff election. These periods may be adjusted if the date prescribed for the start of early voting falls on a weekend or state holiday or is too close to an election date. Early voting by personal appearance must be conducted during the hours the county board of registration normally is open and on Saturday during hours set by the State Election Commission.

The bill also allows early voting by mail for reasons of age, sickness, absence from the county during the early voting period and election day, or if a person's religious conviction prohibits him from voting on Election Day. Additionally, a voter confined in jail may vote by mail if he is (1) serving a misdemeanor for a term that ends on or after election day; (2) pending trial after denial of bail; (3) without bail pending an appeal of a felony conviction; or (4) pending trial or appeal on a bailable offense for which release on bail before election day is unlikely.

## LABOR, COMMERCE AND INDUSTRY

**Community Reinvestment Act** (H. 4528, Rep. Scott). This bill is designed to strengthen the capacity of banks to meet the credit needs of communities. The bill creates a 7-member Community Reinvestment Board, appointed by the General Assembly, and authorizes the board to hire a director and any staff necessary to fulfill the requirements of these provisions. The board is required to assess the record of a bank in meeting the credit needs of an entire community, including low and moderate income neighborhoods. If a bank applies under these provisions to move an office or branch location, merge with another bank or engage in other activities, the board must consider the bank's record in meeting community needs and may deny the application or condition its approval on grounds of meeting these community credit needs. In rating a bank's record of meeting these needs, the board must give a rating of outstanding, satisfactory, needs improvement or substantial noncompliance. The bill lists factors the board must consider in evaluating whether a bank is meeting community credit needs. After evaluating banks, the board must send a list of the banks and their ratings to the State Treasurer, with the recommendation that the treasurer only deposit funds in banks which receive a board rating of outstanding or satisfactory.



## Legislative Update, January 25, 1994

The bill also requires each bank on an annual basis to delineate the local community or communities which it serves. Under these provisions, a community must include a contiguous area surrounding each bank office or branch and must include any low or moderate income areas in the contiguous areas. Additionally, the board of directors or trustees of each bank must adopt a community reinvestment statement for each delineated community, which must include, among other requirements, information pertaining to types of credit the institution is prepared to extend within its community and efforts to ascertain the credit needs of the community. A bank's community reinvestment statement must be made available for public inspection at the bank's head office and at each office in the delineated community.

**Copies of Annual Reports of State Occupational and Licensing Boards Must Be Maintained and Available at the Offices of the Budget and Control Board** (H. 4547, Rep. Kirsh). This bill requires that copies of annual reports of South Carolina's occupational and professional licensing boards be maintained and available for public inspection at the offices of the Budget and Control Board, instead of, as currently required, at the offices of the Secretary of State.

**Provisions Pertaining to Recordation of Railroad Deeds Deleted** (H. 4548, Rep. Kirsh). This bill deletes a chapter in the State's Code of Laws pertaining to recording of railroad deeds, mortgages and other written instruments.

**Labeling and Tax Exemptions of Manufactured Homes** (H. 4552, Rep. Barber). This bill requires manufactured home manufacturers to place a permanent label on each manufactured home that (1) has not been previously occupied; (2) is to be placed for sale in this state; and (3) meets or exceeds energy efficiency levels as listed in the State's Sales and Use Tax Act. By affixing this label, the manufactured home manufacturer certifies that the manufactured home meets or exceeds those energy efficiency standards. This notice must be designed by the Office of Manufactured Housing and affixed to the kitchen counter. This notice may only be removed by the consumer. The bill also allows a manufactured home to qualify for the \$300 sales tax cap if total heat loss of the home does not exceed a level as specified under the bill.

**Certain Work Performed by Counties or Municipalities Exempt from Regulation by State Licensing Board for Contractors** (H. 4562, Rep. Martin). This bill exempts from regulation by the State Licensing Board for Contractors improvements, repairs or renovations (structures, roads etc.) built or performed by a county or municipality (1) which has adopted the Standard Building Code; (2) which has a building inspection department certified pursuant to that Code; and (3) whose building inspection department applies the code as applicable to the county or municipality. This exemption only applies to work being done by these counties or municipalities which does not exceed a certain contract limitation as specified under regulations of the State Licensing Board for Contractors.



## Legislative Update, January 25, 1994

**Bungee Jumping** (H. 4565, Rep. D. Smith). This bill lists extensive safety requirements pertaining to the operation of bungee jumps.

The bill prohibits bungee jumping from structures or devices (e.g., cranes, bridges, etc.) which are not designed for the sole purpose of bungee jumping and also prohibits bungee jumping using ankle harnesses or over water, sand or any surface other than a safety air bag. Persons applying for a permit to operate a bungee jump must have a site operation manual and site plans, among other requirements. The initial cost of a permit is \$500, but permits can be renewed annually for \$250. Before a bungee jump may be operated, the owner must submit a mechanical engineer's report certifying that the design, construction and operation of the jump meets certain requirements and regulations as specified in these provisions. Engineering inspections of the bungee jump must be conducted annually and every time the operation is substantially rebuilt, substantially modified, or relocated.

The owner of a bungee jump operation must maintain liability insurance in an amount of at least \$1,000,000 per occurrence, insuring the owner or lessee against liability for injury to a person arising out of use of this jump. When a claim or combination of claims exceeding \$100,000 is made, the jump must be closed until there is a reinstatement of the required insurance value. Bungee jumps must be conducted under direct control of the manager, and a person under 18 seeking to use a bungee jump must first have the consent of a parent or guardian over age 18. Each bungee site must have a sign indicating medical, weight and age restrictions for using the jump. The owner of the jump must disclose to each jumper all medical conditions which may be adversely affected by use of the jump. Any jumper who in the opinion of the bungee staff represents a danger to himself or others is not allowed to jump. The owner of a jump is required to provide a safety air bag for each jump and must also provide and maintain written jump procedures and emergency procedures for each bungee site. Each operator must have a telephone link to 911 within 200 feet of the bungee jump operation.

If an accident involving a bungee jump results in death or serious injury, the owner must report the accident to the Department of Labor, Licensing and Regulation immediately and close the operation until authorization from the Department to resume is received. All accidents relating to bungee jumping must be reported to the Department within 24 hours.

The bill also lists requirements governing the landing and recovery area and jump space of the bungee, along with requirements pertaining to cord material and its maximum lifespan and staffing of bungee jumps, and staffing of these facilities.

**Interstate Banking** (H. 4566, Rep. Jennings). This bill broadens the state's interstate banking laws to allow out-of-state bank holding companies outside the South to operate and make acquisitions in the same manner that Southern Region Bank holding companies (i.e., bank holding companies which keep a certain percentage of its deposits within the 15 "Southern Region"



## Legislative Update, January 25, 1994

states) are permitted to operate and make acquisitions in South Carolina. With the approval of the State Board of Financial Institutions and all other applicable state and federal regulatory authorities, any out-of-state bank holding company may acquire a South Carolina bank or South Carolina bank holding company, a Southern Region bank holding company having a South Carolina bank subsidiary or an out-of-state bank holding company having a South Carolina bank subsidiary. An out-of-state bank holding company which has a South Carolina bank subsidiary may acquire a Southern Region Bank holding company that does not have a South Carolina bank subsidiary, a Southern Region Bank, or a bank or bank holding company having banking offices located outside the Southern region, without the prior approval of the Board.

Beginning on July 1, 1996, an out-of-state bank holding company which does not have a South Carolina bank subsidiary may acquire, with approval of the State Board of Financial Institutions, a South Carolina bank holding company or a South Carolina bank. The bill also expands the list of "Southern Region States" as pertain to regional interstate banking so as to include Texas and reduces from 80 percent to a majority the percentage of total deposits a bank holding company must maintain within the Southern Region to be considered, for purposes of regional interstate banking, a "Southern Region bank holding company."

Limit on Maximum Investment in Real Estate Mortgages Deleted (H. 4576, Rep. McLeod). This bill deletes a provision which prohibits a banking corporation at any one time from investing more than one-half of its capital stock and more than one-half its deposits in real estate mortgages.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

Description and Illustration of Highway Patrol and State Police Equipment Need Not Be Filed with Secretary of State (H. 4545, Rep. Kirsh). This bill deletes provisions requiring the director of the Department of Public Safety to file with the Secretary of State a description and illustration of the uniforms and emblems of the Highway Patrol and the State Police.

Code of Ethics for Psychologists Not Required to be Filed With Secretary of State (H. 4546, Rep. Kirsh). This bill deletes provisions which require the State Board of Examiners in Psychology to file with the secretary of state a copy of the code of ethics for psychologists.

Preservation of Unidentified Bodies (H. 4569, Rep. J. Brown). This bill requires a coroner who is unable through reasonable efforts to identify a dead body to forward the body to the Medical University of South Carolina or another suitable facility for preservation. At county expense, the body must be preserved for at least 30 days, unless the body is identified within that time. If the body is not identified within the 30-day period, the Medical University may retain possession of the body for its own use or return the

### Legislative Update, January 25, 1994

body to the coroner of the county where death occurred for disposition. Any other facility utilized by the coroner for storage of the body may dispose of the body or return the body to the coroner of the county where death occurred for disposition, as provided by law.

Prohibition Against Sale of Wild Carnivores as Pets Does Not Apply to Ferrets (H. 4574, Rep. Baker). This bill provides that the current prohibition against the sale of "wild" (undomesticated) carnivores as pets does not apply to ferrets.

Foster Care Review Boards (H. 4579, Rep. Waites). This bill eliminates the State Board of Directors for Review of Foster Care of Children and places local boards of review of cases of children in foster care under the Division of Review of Foster Care in the governor's office. The bill changes the selection process for board members by requiring persons seeking to serve on these boards to apply with the Division, the director of which must forward applications and recommendations for appointment, if any, to the governor for consideration. Currently, gubernatorial appointments to these boards are based on recommendations of a county legislative delegation.

The bill also provides that the board's initial review of children placed in public foster care must be conducted after the child has been in foster care for 75 consecutive days but before 125 days after such placement. The bill deletes provisions pertaining to when boards must recommend continued placement of a child in a child caring facility and allows the board to participate in a judicial review involving a child in foster care, including the ability to introduce, examine and cross-examine witnesses. These provisions, however, do not require the involvement of the local board in a proceeding.

Identifying information in the possession of local boards is confidential and must be withheld from public inspection. Information from case records, however, may be released to staff of the Division of Foster Care, local boards and their staff, the child-caring agency or facility involved, and to federal and state courts, other administrative bodies, and law enforcement when necessary.

The bill provides that a quorum of a meeting of a local board consists of 3 members and deletes provisions which allow board members to receive per diem and subsistence for their service. Additionally, mileage may be paid to a board member only if he travels more than 40 miles round trip to attend a board meeting. The bill deletes provisions allowing a person or agency aggrieved by an action or recommendation of a local board to seek relief by petition to the family court. The bill also requires agencies and facilities which provide for or arrange foster care for children to make available, when requested by the Division Director or local review board, records on children subject to review by a local board. These records are to be made available in a timely manner and when requested for case review must be available before the scheduled review date.



## Legislative Update, January 25, 1994

Unpaid User Fee May Constitute Lien on Property (H. 4584, Rep. Gonzales). This bill allows a county or municipality imposing a user fee which is billed on a property tax notice to provide by ordinance that an unpaid user fee constitutes a lien on the property that is the subject of the tax notice. This lien may be enforced and collected as property taxes are enforced or collected and has the same priority as a property tax lien.

### WAYS AND MEANS

Sales Tax Exemption for Eyeglass Lenses (H. 4526, Rep. J. Brown). This bill provides a sales tax exemption for prescription eyeglass lenses and raw materials used in the fabrication of these lenses. However, the exemption would not apply to eyeglass frames.

Assessment of Mobile Homes (H. 4527, Rep. McLeod). This bill provides that in assessing the value a mobile home for property tax purposes, the value of a new mobile home must be reduced by \$2,000 a year for the first 4 years and \$1,000 a year thereafter. However, the value of the mobile home may not be reduced below 10 percent of its original cost. These provisions apply to mobile homes assessed at 4 or 6 percent of fair market value. If adopted, this act would apply to property tax years beginning after 1993 and for new mobile homes placed in service after 1993.

State Property May Only Be Named for Persons Deceased At Least One Year (H. 4529, Rep. Robinson). This bill prohibits, after June 30, 1994, any public property (bridges, buildings, etc.) or any additions to that property which are purchased or constructed with state funds or otherwise owned or acquired by the State from being named for a living person or a person who has been deceased less than 1 year. The one-year requirement, however, does not apply to structures named for persons deceased for less than 1 year as of July 1, 1994.

Property Tax Exemption for Certain Watercraft (H. 4530, Rep. Witherspoon). This bill provides a property tax exemption for watercraft which (1) are less than 14 feet in length and are propelled by an outboard motor, and (2) are 14 or more feet long and have an assessed value of less than \$50. A person qualifying for this boat exemption is not required to apply for an exemption with the Department of Revenue and Taxation, and if adopted these provisions would apply to property tax years beginning after 1993.

Budget and Control Board Must Promulgate Regulations Pertaining to Privatization of State Government Services (H. 4543, Rep. Whipper). This bill requires the Budget and Control Board to promulgate regulations concerning privatization of state government service. Under these provisions, "privatization" is action by a state agency to contract with the private sector or with another state agency to perform the functions or services it currently performs. Among other requirements, these regulations must include a cost comparison of government and non-government service providers before

## Legislative Update, January 25, 1994

letting of contract; limitations on state subsidies given to private contractors; and determination of the need for continuous government regulations of certain services.

Tax Exemption of Certain Not-For-Profit Corporations (H. 4551, Rep. Kirsh). This bill deletes a provision which prohibits nonprofit corporations financed with federal loans from being exempt from taxation by reason of any provision under the State's Federally-Financed Nonprofit Corporation Law.

Municipal Association and Association of Counties May Submit Claims for Debt Collection on Behalf of Non-Members (H. 4553, Rep. Kirsh). This bill allows the Municipal Association of South Carolina and the South Carolina Association of Counties to submit claims for debt collection to the Department of Revenue and Taxation (to deduct uncollected debt from tax refunds) on behalf of political subdivisions which are not members of these associations.

State Agencies Must Give Preference to Use of South Carolina Composted Organic Materials for Development and Other Activities (H. 4555, Rep. Sharpe). This joint resolution declares it to be State Policy, in furtherance of environmental protection, to institute and maintain a comprehensive program for the procurement of products containing composted materials and mulch. In promoting this policy, the joint resolution requires all state agencies, boards, commissions and departments responsible for the maintenance of public lands to give preference to use of composted organic materials in all road building, land maintenance and land development activities. In carrying out this policy, preference must be given to composted organic materials and mulch made in this State which are source separated from the state's nonhazardous solid waste stream.

Procurement and Operation of Motor Vehicles by Public Service Authority (H. 4573, Rep. Cromer). This bill provides that the Public Service Authority, in procuring and operating motor vehicles, must be subject to the rules, requirements, policies and procedures of the Division of Motor Vehicle Management of the Budget and Control Board in the same manner that other state agencies and departments are subject to these requirements. These requirements apply provided that all motor vehicles of the Public Service Authority are titled in the authority's name.

Total copies 540  
Total cost \$ 210.60  
Cost per copy \$ .39  
Date 1-25-94  
S. C. Legislative Council